

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

(ECF)

LEENA VARUGHESE, M.D.,

: 12 Civ. 8812 (CM) (JCF)

Plaintiff,

: O R D E R

- against -

MOUNT SINAI MEDICAL CENTER, PATRICK:
LENTO, M.D., CARLOS CORDON-CARDO,
M.D., IRA J. BLEIWEISS, M.D., ABC
CORP. 1-10, and JOHN DOES 1-10,

Defendants.

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 7/18/13

JAMES C. FRANCIS IV
UNITED STATES MAGISTRATE JUDGE

Counsel having submitted letters setting forth certain discovery disputes, and a pretrial conference having been held on July 11, 2013, it is hereby ORDERED as follows:

1. By July 15, 2013, counsel shall advise the Court in writing of the terms of any agreement they have reached with respect to a protocol for producing defendants' electronically stored information and of the date by which such information shall be produced.

2. In response to plaintiff's request for comparator information, defendants shall produce:

a. All performance evaluations of residents for the period September 2010 through September 2011 authored by Drs. Bleiweis, Najfeld, Leytin, and Eliassen;

b.(i) all attendance records for mandatory morning conferences; (ii) all documents relating to the failure of any resident to meet the requirement of attending 80% of the mandatory conferences; and (iii) all documents relating to any resident who canceled a presentation that was required as a consequence of failing to meet the 80% requirement; and

c. The coverage list and all documents relating to requests for coverage, including the acceptance or refusal of such requests, for the period August 2011 through September 2011.

Defendants need not produce the requested documents relating to the utilization of moonlighters.

3. Defendants shall produce all documents relating to investigations conducted in connection with the topics that form the basis of this lawsuit.

4. Defendants need not produce the requested documents relating to FMLA leave requests by residents other than plaintiff, but plaintiff may propound a notice to admit seeking an admission that, aside from the allegations about her own treatment, no resident was denied the opportunity to submit an application for FMLA leave.

5. Defendants need not produce the requested documents relating to autopsies, as defendants do not contend that they disciplined or terminated plaintiff on the basis of the number or

quality of her autopsies.

6. Defendants shall submit a privilege log by July 18, 2013.

7. The Court will not impose a rigid limit on the length of plaintiff's continued deposition.

8. The Court will not impose a rigid limit on the number of depositions of defendants' witnesses, nor an inflexible schedule for those depositions.

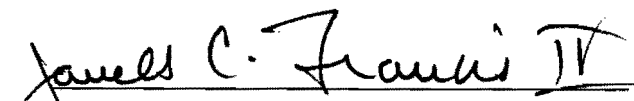
9. Except for deponents who reside more than 100 miles from the court, defendants' witnesses shall be deposed at the New York City office of plaintiff's counsel.

10. Deponents residing more than 100 miles from the court shall be deposed in person in the district of their residence or by telephone or videoconference.

11. Plaintiff's counsel shall promptly advise defendants' counsel whether plaintiff consents to a psychiatric examination.

12. Plaintiff's counsel shall respond to defendants' deficiency letter by July 21, 2013.

SO ORDERED.


JAMES C. FRANCIS IV
UNITED STATES MAGISTRATE JUDGE

Dated: New York, New York
July 11, 2013

Copies mailed this date:

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